Human Events *A Weekly Analysis for the American Citizen*
Editorial Office 1323 M STREET, WASHINGTON 5, D. C. *Telephone* NATIONAL 2066
VOL. IV, NO. 31, *Issue Number* 183, JULY 30, 1947 ★ *Editors:* FELIX MORLEY & FRANK C. HANIGHEN

THE LIMITS OF CONGRESSIONAL DEBATE

by Franklin L. Burdette

With the recess of the first session of the Eightieth Congress, every fair-minded observer will concede that the legislative product -- both foreign and domestic -- has been impressive. Even with some goals unreached, the finished business is sufficient to justify faith in our representative institutions.

These accomplishments were achieved in an uncertain political atmosphere -- and in spite of the complications in establishing Republican control and after adjusting legislative procedure to the changes brought by the Reorganization Act of 1946. Yet, with all the difficulties, the deliberative tradition of representative government has been preserved.

The session had its share of advocates of speedy legislation. Many of them centered their criticism on unlimited debate in the Senate, a practice thrown into prominence by the all-night filibuster to delay a vote on overriding the President's veto of Labor Legislation, and again by obstruction against investigating Attorney General Clark's action in the Kansas City voting frauds. Would the country benefit by a parliamentary device to close debate in the Senate? The issue deserves careful examination.

Since 1917, by the process of cloture, it has been possible for a two-thirds majority -- on the next day following presentation of a petition signed by at least 16 members -- to limit each Senator to one hour of discussion. In that period of 30 years, cloture has been brought to a vote 20 times but has been adopted in only four instances. Of the 16 cloture petitions which failed, only three gained the support of a simple majority of the total Senate membership.

The public has been led to believe that the Senate suffers frequently and unwillingly from prolonged and paralyzing filibusters. Undignified parliamentary spectacles, with utterly irrelevant speeches and obviously dilatory motions, have lent credence to that opinion. Nevertheless, it is inaccurate.

Copyright 1947 by HUMAN EVENTS, INC.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The late Senator Hiram W. Johnson correctly assayed most of this obstructionism when he referred to a dramatic example as a "pink tea" or "feather duster" filibuster. He knew that both sides of the controversy in question (an anti-lynching bill), sought political capital from a battle which caused more bitterness in the newspapers than in the Senate. He knew, as the public does not know, that a real struggle between a majority and an obstructing minority is present only when there are extended sessions and strict enforcement of Senate rules.

The most annoying filibusters of recent years have been the work of irresponsible or ruthless individuals. Huey Long could make headlines by talking fifteen and a half hours. Less conspicuous but perhaps more effective obstructionists can extort concessions near the end of a session or on the eve of a critical deadline. The very threat of filibuster has its effect, often arbitrary, on members and leadership.

II

Filibustering is an evil; and, as it is usually practiced, an unnecessary evil. But it is a price which the Senate and the country have paid in order to maintain a forum where full, free debate may always prevail. "That right," said Charles L. McNary of Oregon, long leader of Senate Republicans, "is the last palladium; it is the last impregnable trench for those who may be oppressed or who are about to be oppressed; it may be the last barrier to tyranny."

Woodrow Wilson, whose Presidential anger with willful filibusterers gave impetus to cloture in the mild form which the Senate rules now permit, summarized in his doctoral dissertation the need for discussion:

> "It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. . . . The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion."

On major issues at least, the House of Representatives, because of its size and the tradition of party control, has formalized and reduced debate. The motion for the previous question which closes debate, if carried, has for more than a hundred years characterized House procedure. By it the majority is always able to shut off discussion.

The tradition of extensive debate has remarkable power in winning converts among new Senators. Senator Wayne Morse of Oregon, whose reputation is that of an intellectual rebel among Republicans and who has sought to reform abuses in Senate filibustering, has declared: "I think it is very important on many issues that the Senate hear from the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

country before a final vote is taken." His participation in the filibuster against an immediate vote on overriding the Labor bill veto was defended on that ground.

Elihu Root once advanced the same argument:

> "The process of discussion results ultimately in the reaching of conclusions which are conformable to the will and judgment of the people of the United States. That, sir, is why the long, patient, and sometimes tedious discussion of questions in the Senate . . . is of vast utility, although we would suppose that it was useless from counting the men who are listening to the speeches which are made."

III

The merits of full debate spring from several incontestable premises: Minorities have rights which no majority may rightly override. A Senate majority does not necessarily represent a majority of the people. It is a duty of the Senate carefully to examine legislation. The Senate has a particular responsibility to act as a check upon the Executive.

Yet these admitted advantages are subject to abuses. Against such abuses persuasive arguments are brought to bear: On legislative questions within the power of Congress, the majority should rule. The Senate should legislate efficiently, with due responsibility to the states and to the people. Moreover, experience abroad and in the state legislatures indicates that debate can be limited without undesirable results.

The last of these arguments affords a clue to a feasible, although not wholly satisfactory, solution. Should not the Senate devise an effective means of cloture by majority vote, with adequate safeguards for full debate? The danger of simple cloture at the will of the majority is that it could prevent all debate, as the previous question sometimes does in the House. But safeguards permitting reasonably full debate will afford opportunities for the individual obstructionist who takes advantage of the final hours before an emergency. Brief, embarrassing filibusters of this sort are a price which must be paid for the tremendous advantages of freedom of speech. Their cost can be lessened by careful planning of the legislative program.

Cloture by majority vote is a desirable innovation if it can be moved only after a reasonable time for free debate or, on the other hand, if each Senator can be guaranteed adequate time for debate after cloture has been applied.

Four resolutions were introduced in the recent session to limit Senate debate, but committee hearings on them resulted in no substantial recommendation. There is evident fear in the Senate that any change in the rules regarding debate would open the way for further limitations.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Criticisms of the Senate as a debating society are not new. The decade of the 1890's, because of particularly virulent filibusters, drew sustained public criticism. This denunciation was paralleled in the years immediately prior to World War I.

Congress is and ought to be an arena of conflicts, for the making of public policy inevitably involves clashes of interest. Differences are sometimes resolved by decisions sharply dividing one policy from another, but more frequently by adjustment and compromise. When adjustments violate no principle yet are in the long run satisfactory to the chief competing forces, a high level of statesmanship is attained.

Voices which cry for a leader, rather than for leaders, in Congress, confuse the totalitarian with the representative principle. Cooperation, by American standards, should achieve the dignity and respect given to authority. Criticism of the co-operative majority leadership in the present Senate is a case in point. Such an arrangement is certainly less incisive or dramatic than an individual floor leadership, but it is also less authoritarian, more representative and therefore more American.

Severe strains in the lawmaking process are a test of representative government. Parliamentary battles may be a substitute for more dangerous engagements. Senator Turpie of Indiana said long ago that they are "frail mimic representations of the campfire and bivouac, but they do foreshadow them." Self-government will progress as the internal struggles of the Republic are fought out in the parliamentary arena.

The strength of representative government is in the acceptability, the wisdom, and the justice of its decisions. Lawmaking by the representative process necessarily subordinates speed to full hearings, free discussion and careful research and analysis.

In the Senate there should be a time for a vote, and no minority should be able to prevent it. But that time should always be preceded by a period of thorough consideration, and no majority should be able to forestall it. Fortunately for the Republic, the record of the first session of the Eightieth Congress is one in which action and deliberation were balanced.

* * * * *

Dr. Burdette, of the Department of Government and Politics at the University of Maryland, is also publications editor of the National Foundation for Education in American Citizenship. He is the author of a book on Filibustering in the Senate.

Reproduction or quotation is permitted only when credit is given to HUMAN EVENTS. Trial subscription, three months for $3. Six months, $5.50. One year, $10. Two years, $18. Domestic airmail (including APO and FPO) and foreign (regular mail) one year $11. Foreign airmail rates on request. Please remit in U.S.A. DOLLARS. Allow two weeks for new subscriptions or change of address to become effective. Address all correspondence to: HUMAN EVENTS, 1323 M Street, WASHINGTON 5, D. C.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Not Merely Gossip *A Supplement to* Human Events VOL. IV, NO. 31

By Frank C. Hanighen July 30, 1947

The question to be considered is not whether Congress has kept faith with the voters during the past session -- as is currently argued in a thousand prints -- but whether the voters have kept faith with Congress. No reasonable observer can deny that the Republican Majority has done everything humanly possible to carry out the mandates of the last election, and in large part has succeeded. It has reduced expenditures to a far greater extent than any Congress in recent history. It sought to reduce taxes and would have prevailed, save for the Presidential vetoes. Finally, the Taft-Hartley bill obviously responded to a wide demand from the majority of people. Yet there has been little evidence of public gratitude for this record.

Within two months of the opening of Congress, in February, public opinion polls registered widespread discontent with the progress of the legislative body. No Congress, even during the war, has ever done more within that short space of time than it did during the first session of the Eightieth. While its machinery moved forward deliberately -- as it properly should -- this popular reaction grew. The one legislative leader with outstanding intelligence, integrity and courage was Senator Taft. Even so, his popularity as a potential Presidential candidate seemed to wane as the session went on.

But the test of popular support of the legislative arm of the Government appeared at its clearest in the tax bill. Some questions which involve great principles have little immediate bearing on the pocketbooks of the electorate; and, human nature being what it is, the latter understandably remains apathetic. Nevertheless the tax bill not only offered relief to the average citizen, but also in the ensuing veto situation raised an important constitutional issue. Until President Truman vetoed the bill, no Executive in our history -- save one, F. D. Roosevelt -- had done so in the case of a tax measure. The hallowed tradition from the beginnings of the Republic had been that the taxing power should rest inviolate in the hands of the most representative legislative body to protect the liberties of the people. Here, indeed, was a fundamental principle, tied to legislation immediately affecting the average purse. Yet the electorate failed to exert sufficient pressure to obtain the comparatively few additional votes for repassage over the veto.

To conclude, however, that the electorate is wholly to blame is hardly fair. The average citizen, absorbed in the complex business of earning a living, has little time to study public issues. He looks for guidance to the press and radio -- in short, to what is called "opinion formers." Previously when the latter were sufficiently aroused on one side or other of a question, they not only swayed public opinion, they often gave birth to militant organizations to put pressure on the Government. But scant protest rose over the tax bill and veto; no "Committee to Save Our Liberties by Helping Ourselves to a Tax Cut" sought to rally public opinion and influence the people's representatives in Washington.

The "opinion formers" have signally failed to do their job. Much has been said recently about whether or not we should have a foreign broadcasting setup to make the attitude of America known abroad. The truth is that we have not an effective nongovernmental process here at home to make the public attitude intelligible to its representatives, and vice versa. The Voice of America cannot make itself heard in Washington unless the mind of America is clear.

* * * * *

These are the talkative "stop Dewey" days in the G.O.P. Stassen launches a stout little attack on the New York Governor, and the camp fires flare in Ohio as preparations are made for the Taft tour across the country. The sages of the Party,

Copyright 1947 by Human Events, Inc.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

discreet in public, are privately forthright. One of them was heard to say, "What is astonishing is Dewey's failure to realize that the Republican Party is now the majority party as far as the legislative branch is concerned, and anyone we nominate must run on the record. But, turning the spotlight on himself, Tom continues to make no comment on the great issues confronting us." Another writes to us about how one of these issues may affect Dewey's fortunes:

"If domestic issues are to the fore in 1948, Labor may force a decisive showdown on the labor issue in the platform committee of the convention, in which case Governor Dewey's delegates must openly give the Taft and Stassen stand wholehearted support, or be charged with appeasement, which could easily become the decisive factor in determining the candidate."

Reporters with their ears to the ground have heard some "stop Truman" talk among Democrats, and not from the Wallace dervishes either. Some disgruntled Right Wing Democrats are saying that Truman cannot possibly win the election. Their corollary is that another figure must be nominated; and their spokesman, a prominent provincial wheel horse, offers the name of a man who could come to the aid of the party -- Paul McNutt.

In behalf of this handsome cause, several important Democratic leaders in Washington have been interviewed. They, however, showed prudent disinterest when it was suggested that a public statement in favor of McNutt might be in order. The fact that the prominent provincial politico hails from Indiana provides a clue as to the motivation. He may yet succeed in launching a trial balloon. Anyhow, what would a Presidential year be without a boomlet for Paul McNutt?

* * * * *

With Braden out of the State Department and rapprochement with Argentina under way, it has been widely assumed that success at the Rio de Janeiro Conference (starting August 15) is assured. However, some well-informed diplomatic sources believe that the American delegation goes to Rio with less chance of reaching a satisfactory inter-American defense pact -- the No. 1 business of the Conference -- than is frequently supposed. While Braden himself has gone, it is pointed out, his former assistants and kindred spirits remain in the State Department and are in a position and a mood to modify the recent post-Braden policy. Even some officers in the War Department, hitherto stout supporters of an inter-American defense pact, have weakened under renewed arguments of the Braden faction. Success at Rio is not in the bag.

* * * * *

The unification of the services constitutes a step forward, say reliable military observers. Two features are pointed out as likely to have constructive results: (1) The centering of responsibility for Army, Navy and Air in one head, the Secretary of Defense, makes it virtually impossible again to fight a war with divided command, as in the past conflict. General MacArthur reportedly has said that unified command in the Pacific would have saved 100,000 casualties and shortened the war against Japan by six months. Today, if there were another war in the Pacific, the newly named Secretary of Defense, James V. Forrestal, would undoubtedly have to name one commander for the whole area. (2) In view of the decisive role of air power, the creation of a separate Air Department will enable that arm of the service to develop more rapidly and to obtain the support it requires.

* * * * *

Just a year ago this column discussed the "political statistics" of the Government, in particular the 1945 forecasts of Government economists that a big depression would appear by the spring of 1946. We named Mr. Wladimir Woytinsky, of the Social

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Security Board, as one of the few Government economists who took a contrary view. Today, Mr. Woytinsky is still "bullish" on prospects for continuing economic prosperity. In a series of articles published in the Right Wing Socialist weekly the New Leader, Woytinsky compares the post-war economic trends in this country in 1919 and 1947. He concludes that the country "enters this era in better economic health, with a better spirit, and with a better understanding of economic matters" than after the last war. In one interesting passage, he provides an original interpretation of the reconversion era, placing the beginning of the "primary boom" in the middle of 1945. And he offers some interesting "anticipations":

"(1) The primary boom is likely to last longer and to be less disorderly and chaotic than after World War I. (2) The liquidation of this boom is likely to come somewhat later and to proceed more smoothly, without the secondary repercussions of a runaway inflation. The setback would be less abrupt and might be stretched over a considerable period. (3) The secondary post-war expansion will probably start not three years after the end of the war, but later, perhaps after five years, in 1950. The period of expansion is likely to last not eight years, as after the first war, but longer, perhaps twelve or fifteen years, and to be of a different type than in the 1920's."

The Social Security economist shares few of the forebodings of Left Wing Cassandras and projects a picture of a long-term prosperity under an unplanned economy. (The editors of the New Leader, a Socialist organ favorable to planning, deserve praise for their courage in publishing opinions so unpalatable to many of their readers.) ". . . the chances of developing a planned economy are now less than ever before. There will be various ups and downs in our economy in the coming decade, but in spite of the confusion and waste that characterize the present system, there will be a continuous progress in the technique of production and in the standard of living." (The articles appeared on July 19 and 26 in the New Leader, 7 E. 15th St., New York, N. Y.)

* * * * *

Lord Acton's dictum that "all power corrupts . . ." is disputed by the London Peace News (June 20) which said editorially: "History is full of examples of powerful men who were never corrupted: and among them the founder of the Comintern himself. There is not the slightest evidence that Lenin ever enjoyed the exercise of power for its own sake; nor, in all probability, does Stalin enjoy it. What made Lenin the ruthless ruler he was, was the ruthless theology he embraced. He was the humble and utterly disinterested servant of a powerful and terrible God. Until we begin to understand that Marxism is a religion, we shall understand nothing of human events today, let alone influence them for the better. To judge the Communist by ourselves is not to understand him -- even when the intention is to show how nice he is.

"Lenin's religion had no place in it for loving kindness, even as a contributory factor in bringing about the millenium. That is why he was afraid of the loving kindness in himself -- afraid of listening to Beethoven, lest, as he said, he should stroke the hand of the man sitting next to him. Brotherhood? -- that was a thing to be engendered later, automatically by the forces of production. The First Commandment of Communism is that a man should be ready to liquidate his own comrades, if the Party Line demands. The day of Togliatti's Confirmation was the day when he handed over the Socialist files to Mussolini."

This critique, however, does not contradict Lord Acton's famous epigram, when taken in its context. He did not assert that the individual dictator is himself necessarily corrupted by unchallenged authority, but that the society over which the dictator rules becomes corrupted by placating him.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Book Events

The Struggle for the World, by James Burnham. New York: The John Day Co. $3.00

Professor Burnham's third noteworthy book -- the others being The Managerial Revolution (1941) and The Machiavellians (1943) -- was published early this year. But The Struggle for the World has not attracted the attention which, in our opinion, it deserves. And the reviews of it, whether commendatory or condemnatory, seem somehow to have missed the true significance of this little volume.

This is not so much a book to be talked about, as one to be thought about. Much of its importance has nothing to do with the author's argument though, with an exception to be noted, this is clearly, and sometimes brilliantly, set forth. The Struggle for the World is significant primarily because it reveals the allergy of the mind trained in Marxist dialectic to the American tradition. What Professor Burnham suggests unconsciously, rather than his actual thesis, demands examination.

This thesis, as the title indicates, is that the Soviet and the American Unions are, and have been since April, 1944, engaged in a fight to the finish for world supremacy. The war which ended two years ago, Professor Burnham thinks, was only a curtain-raiser for World War III, now developing the more quickly because of "the low level of political intelligence in the United States." On this national deficiency the author is scathing. "It is safe to say, I think, that our level [of political thought] is lower than that of any other nation."

With the detailed argument of The Struggle for the World the editors of HUMAN EVENTS are not likely to quarrel. Our publication was launched, in February, 1944 -- two months before Professor Burnham dates the opening of World War III -- precisely because it was then so evident that the course being steered by President Roosevelt would lead us to disaster. We have the melancholy satisfaction of having diagnosed in advance the lesions revealed by present autopsies on New Deal demagogy.

That does not imply agreement with Professor Burnham's well-chiselled proposition that another fighting war, in which we are likely to get Mr. Roosevelt's policy of Unconditional Surrender au rebours, is already underway. Unquestionably another war threatens. But the danger will lessen if Americans can recapture the faith in their own institutions which once they had.

Professor Burnham, as a disciple of power politics, sees no way out of the present crisis except a forceful showdown between the American and Russian systems. He is right in saying that we must stop trying to appease the latter. But this book tends to oversimplify the issue because, as a former Marxist, its author lacks understanding of the United States, and of the values for which America stands.

This ignorance is glaring in Chapter 16, where our "democratic form of government" is discussed by Professor Burnham in complacent ignorance of the fact that our government, as distinct from our social practice, was carefully designed to protect the individual from democratic tyranny. There is similar political myopia in the assertion that: "Liberty . . . arises out of the unstable equilibrium that results from the conflict of competing powers." Such equilibrium may serve to safeguard Liberty. It certainly does not give rise to that divinely-implanted passion.

Americans are gradually becoming aware of the bitterness and determination of the Marxist attack on the principles of their government. In Professor Burnham we have a dissident Marxist rallying to the defense of principles which he does not really comprehend. His latest book is of great value for a reason of which the author is presumably unconscious. It shows that the very real threat of Soviet Russia, as happened in the case of the far less serious threat from Nazi Germany, will be utilized to advocate the dissolution of the American Republic, with specious argument for the establishment of an American Empire in its place. -- Felix Morley

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED